

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESale PRICE LITIGATION
THIS DOCUMENT RELATES TO:  J&J Class 1

MDL No. 1456

Civil Action: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS COUNSEL’S MOTION FOR LEAVE TO FILE REPLY BRIEF IN SUPPORT OF  
MOTION FOR SANCTIONS AGAINST DON HAVILAND**

Class Counsel respectfully request leave to file a short reply brief in support of their Motion for Sanctions Against Don Haviland (“Motion”). As grounds for the foregoing, Class Counsel state as follows:

1. Local Rule 7.1(b)(2) requires that additional papers, “whether in the form of a reply or otherwise, may be submitted only with leave of Court.”
2. Class Counsel require this reply brief because, in his opposition to Class Counsel’s Motion, Mr. Haviland made admissions that are relevant to this Court’s decision on the Motion.
3. Class Counsel therefore respectfully request leave to file a short reply in support of their Motion, attached as Exhibit A.

WHEREFORE, Class Counsel respectfully request that this Court grant them leave to file a reply brief in support of their Motion for Sanctions against Don Haviland, and all other relief that this Court deems just and proper.

DATED: May 12, 2010

Respectfully submitted,

By: /s/ Steve W. Berman

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, *Class Counsel's Motion for Leave to File Reply Brief in Support of Motion for Sanctions Against Don Haviland* to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on May 12, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman

Steve W. Berman